

# Notice of Allowability

Application No.

10/010,993

Examiner

Mark Fadok

Applicant(s)

LYNCH, GERARD ALAN

Art Unit

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/24/2007.
2. ☒ The allowed claim(s) is/are 1,2 and 4-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**
4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Response to Amendment***

The examiner is in receipt of applicant's response to office action mailed 3/22/2007, which was received 9/24/2007. Acknowledgement is made to the amendment to claim 1 leaving claims 1,2,4-10 as pending in the instant application. The Applicant's amendment and comments have been carefully considered and were found persuasive, therefore the following reasons for allowance are presented below:

***Oath/Declaration***

The title of the invention is incorrect, a new declaration with a corrected title is required.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:  
Claims 1,2,4-10 are allowable.

The following is an Examiner's statement of the reasons for allowance for all independent claims 1.

The present invention is directed to a method for many items of a specified seller are displayed in a moving display at the client computer system so that many items are observable by the client without use of the selection device (e.g., mouse) at the client computer system and the search engine of the auction system to find the items (see specification page 2, lines 28-31, the examiner understands that movable as used in claim one refers to the selected items moving without the use of a selection device). Inter alia, "...displaying selectable images, the picture displaying module being configured to obtain a set of selectable images of the selected seller's auction items

based on the received information that selects the particular seller, to moveably display in the item document".

Discussion of most relevant art:

#### **US Patents and PG-PUB**

(i) US PG PUB, 2003/0058457 to Fredlund et al. teaches a system for processing digital images from a web site. Fredlund, however, fails to render the application's above-mentioned limitations obvious.

(ii) US Patent, 5,726,687 to Belfiore et al. teaches a system for moving an object by moving the cursor. Belfiore, however, fails to render the application's above-mentioned limitations obvious.

#### **Non-Patent Literature**

(iii) Activa, teaches selecting items from a plurality of auction sites and presenting them for selection by the user. Dunham, however, fails to render the application's above-mentioned limitations obvious, because it does not teach displaying the items in a moveable display as claimed in the instant invention.

(iv) Hindu, teaches using a mouse to click on a display and causing the window contents to be scrolled in the direction of the pointer Hindu, however, fails to render the application's above-mentioned limitations obvious, because it does not teach displaying the items in a moveable display as claimed in the instant invention.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**  
or faxed to:

**571-273-8300**

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

**571.272.3600**


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Fadok  
Primary Examiner